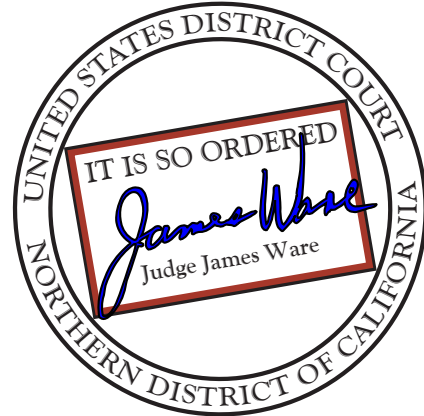


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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

DAVID HALTERMAN  
Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC  
Corporation; EMC Corporation, dba EMC  
PERIPHERALS INC.; and DOES I - X,  
Defendants.

) Case No. C04-2660 JW (PVT)  
)  
) **STIPULATION ALLOWING ALLOWING**  
) **DOCUMENTS IN SUPPORT OF MOTION**  
) **TO EXCLUDE THE TESTIMONY OF DR.**  
) **JOHN ZEITZ OR, IN THE**  
) **ALTERNATIVE, TO LIMIT HIS**  
) **TESTIMONY AND STRIKE PORTIONS**  
) **OF HIS REPORT TO BE FILED UNDER**  
) **SEAL**  
)  
) Date: December 19, 2005  
) Time: 9:00 a.m.  
) Judge: Hon. James Ware  
) Crtrm: 8

PURSUANT TO CIVIL LOCAL RULES 7-11, 7-12, and 79-5, Plaintiff David Halterman  
and Defendant EMC Corporation (collectively, "the parties") stipulate as follows:

WHEREAS, in this matter, the Court entered into a Stipulated Protective Order ("the  
Order") on December 3, 2004;

WHEREAS, the Order requires in paragraph 9 that:

In the event that any Confidential Information ... is filed, included in, or referred to in any  
paper filed with the Court, counsel responsible for such filing shall submit the papers to the  
court along with a request to file under seal pursuant to Civil Local Rule 79-5

WHEREAS, in paragraph 1 of the order, the Court defined “Confidential Information” as “information that qualifies for protection under F.R.C.P. 26(c)”;

WHEREAS, certain exhibits in Plaintiff’s Motion to Exclude the Testimony of Dr. John Zeitz Or, in the Alternative, to Limit His Testimony and Strike Portions of His Report and limited portions of the motion itself, contain highly confidential private information about Mr. Halterman’s medical and psychological history and condition;

WHEREAS, the parties agree that these exhibits and excerpts fall within this Court’s definition of “Confidential Information” contained in the Order and that Mr. Halterman should be protected from the embarrassment of having this information contained in the public record;

WHEREAS, with the exception of the requested exhibits and excerpts, the parties intend that “[a]ll other portions” of the moving papers “be included in the public file” of this Court, pursuant to Civil L.R. 79-5(b); and

WHEREAS, the parties have limited the scope of this request to meet the requirements of Civil L.R. 79-5(b) that it be “narrowly tailored to seal only that material for which good cause to seal has been established” and that it “shall direct the sealing of only those documents, pages, or, if practicable, those portions of documents or pages, which contain the information requiring confidentiality”;

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel, that the following documents and excerpts be filed under seal:

1. Exhibit B to the Declaration Of Jeffrey A. Ross In Support Of Plaintiff’s Motion To Exclude The Testimony Of Dr. John Zeitz Or, In The Alternative, To Limit His Testimony And Strike Portions Of His Report

2. Exhibit C to the Declaration Of Jeffrey A. Ross In Support Of Plaintiff’s Motion To Exclude The Testimony Of Dr. John Zeitz Or, In The Alternative, To Limit His Testimony And Strike Portions Of His Report

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3. Portions of Page 3, lines 15-22 of Exhibit D to the Declaration Of Jeffrey A. Ross In  
Support Of Plaintiff's Motion To Exclude The Testimony Of Dr. John Zeitz Or, In The  
Alternative, To Limit His Testimony And Strike Portions Of His Report
4. Portions of the following pages and lines from Plaintiff's Motion To Exclude The  
Testimony Of Dr. John Zeitz Or, In The Alternative, To Limit His Testimony And Strike  
Portions Of His Report: page 7, lines 3-7; page 10, lines 22-26; and page 11, lines 1-12..

Respectfully submitted,

Dated: November 15, 2005

*DICKSON - ROSS LLP*

*/s/electronically*

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JEFFREY A. ROSS  
Attorneys for Plaintiff  
DAVID HALTERMAN

Dated: November 15, 2005

*ORRICK, HERRINGTON & SUTCLIFFE LLP*

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MICHAEL D. WEIL  
Attorneys for Defendant  
EMC CORPORATION

**CONCURRENCE IN ELECTRONIC FILING**

In accordance with General Order No. 45, Section X.B., I attest that concurrence in the electronic filing of this **STIPULATION ALLOWING ALLOWING DOCUMENTS IN SUPPORT OF MOTION TO EXCLUDE THE TESTIMONY OF DR. JOHN ZEITZ OR, IN THE ALTERNATIVE, TO LIMIT HIS TESTIMONY AND STRIKE PORTIONS OF HIS REPORT TO BE FILED UNDER SEAL** and accompanying **[PROPOSED] Order** was obtained from Michael D. Weil.

*/S/electronically*

Dated: November 15, 2005

By \_\_\_\_\_  
JEFFREY A. ROSS  
Attorney for Plaintiff  
DAVID HALTERMAN